

AMBASSADE DU BRÉSIL
LA HAYE

RECEIVED

25 SEP 1997
0398 ✓
Legal Division

RECEIVED

24 SEP. 1997

1230

ERD/DO

Brazil

No. 07

The Embassy of Brazil presents its compliments to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons and has the honour to refer to the internal measures taken by the relevant Brazilian authorities with a view to implementing the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

Decree number 2.074 issued on November 14th, 1996, established an inter-ministerial Commission as the National Authority for the purposes set out in the Convention. The Secretary General of the National Authority is the Head of the Secretariat for Strategic Affairs attached to the Presidency of the Republic.

Among other aspects, the above-mentioned Decree establishes that (a) any person or entity engaged in activities prohibited under the Convention is liable to administrative or penal sanctions; (b) no person or entity is allowed to contribute directly or indirectly to activities prohibited under the Convention; and (c) no person or entity can omit information or submit incorrect information to the inter-ministerial Commission in charge of matters relating to the Convention.

In particular, under articles 4 and 5 of Decree 2074 it is compulsory to provide information for the preparation of the National Declaration and to grant free access to OPCW inspectors to facilities producing substances listed in the Convention.

Individual cases of non-compliance of specific terms of the Convention are covered by Law 9.112 of 10 October 1995, which deals with the export of sensitive goods

and services. Under that law, the export of sensitive items, including chemicals and related services, depends on previous formal granting of authorization by the relevant federal authorities, who request guarantees pertaining to the final use and to the end-user of the good exported. Breaches are punished with sanctions ranging from admonition to the suspension of the right to participate in foreign trade activities. Individuals engaged in illegal acts are liable to punishment which may include from one to four years in prison.

Although the texts of the afore-mentioned legal documents already in force enable Brazil to fully implement the Convention, a bill has been sent to Congress (bill no. 2.863) which provides for administrative and penal sanctions for specific breaches to the Convention.

As soon as an official translation of these texts is available in English it will be sent to the Technical Secretariat for consultation and distribution.

The Embassy of Brazil avails itself of this opportunity to renew to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons the assurances of its highest consideration.

The Hague, 21 September 1997

